

**In the United States Court of Federal Claims**

No. 13-913 C

(Filed November 22, 2013)

\* \* \* \* \*

JORDAN POND COMPANY, LLC, \*

\*

*Plaintiff,* \*

\*

v. \*

\*

THE UNITED STATES, \*

\*

*Defendant,* \*

\*

DAWNLAND, LLC, \*

\*

*Intervenor-Defendant.* \*

\* \* \* \* \*

**SCHEDULING ORDER**

Plaintiff Jordan Pond Company, LLC (JPC) filed its pre-award bid protest complaint on November 20, 2013. In its complaint, JPC challenges a proposed contract award by the National Park Service of the United States Department of the Interior (NPS) to Dawnland, LLC (Dawnland). The concession contract at issue in this suit is for the provision of food, beverage and retail services in Acadia National Park. In this protest, JPC seeks injunctive and other types of relief related to the proposed contract award to Dawnland.

The court held a telephonic status conference with counsel on November 21, 2013. Participating with the undersigned in the teleconference were:

Kevin R. Garden, counsel for plaintiff;  
Barbara E. Thomas, counsel for defendant;  
Melissa Lackey, Department of the Interior;  
Neil H. O'Donnell, counsel for Dawnland;  
John Bean, law clerk.

Plaintiff and the government had no objection to Dawnland intervening in this case.

The court suggested, and the parties agreed, that this protest could best be resolved on the merits. In furtherance of this goal, the government has agreed to defer fully-executed contract award until after the court issues its decision in this case. The court anticipates issuing a decision in early March, or sooner if possible. The court adopted the parties' proposed briefing schedule which is designed to efficiently resolve the requests for injunctive and other relief stated in plaintiff's complaint.

As a preliminary matter, the parties agreed that a protective order is needed in this case. The parties stated that the court's standard protective order is acceptable to them. The protective order shall issue on this date, to be followed by applications for admission to the protective order by counsel for plaintiff and Dawnland.

The briefing schedule set forth below depends generally on the cooperation of the parties, and specifically on achieving consensus regarding the contents of the administrative record, before that record is filed with the court.

Accordingly, it is hereby **ORDERED** that:

- (1) Dawnland, LLC's motion to intervene, filed November 21, 2013, is **GRANTED**;
- (2) Defendant shall **FILE** the Administrative Record in CD-ROM format no later than **5:00 p.m. eastern time on December 9, 2013**. Defendant shall **DELIVER** two bound, tabbed and indexed paper courtesy copies of the Administrative Record to chambers no later than **5:00 p.m. eastern time on December 9, 2013**;
- (3) Plaintiff shall **FILE** its Motion for Judgment on the Administrative Record no later than **5:00 p.m. eastern time on January 6, 2014**;
- (4) Defendant and Intervenor-Defendant shall **FILE** their Cross Motions for Judgment on the Administrative Record and Responses to

Plaintiff's Motion for Judgment on the Administrative Record by **5:00 p.m., eastern time on January 24, 2014;**

- (5) Plaintiff shall **FILE** its Response/Reply to Defendant's and Intervenor-Defendant's Cross Motions by **5:00 p.m., eastern time on February 3, 2014;**
- (6) Defendant and Intervenor-Defendant shall **FILE** their Replies by **5:00 p.m., eastern time on February 12, 2014;**
- (7) Whenever briefing, including exhibits and attachments, causes an electronic filing to exceed thirty pages, the party shall **DELIVER** two paper courtesy copies of that filing to chambers by **5:00 p.m. eastern time** on the next business day after the filing;
- (8) Should the government's position on the temporary stay of contract award change, defendant shall **INFORM** the court of its request to lift or modify the stay at least five days before taking action inconsistent with its agreement to the temporary stay described in this order;
- (9) **Oral Argument** in this case shall be **HELD** on **Friday, February 14, 2014** at **2:00 p.m. eastern time** at the United States Court of Federal Claims, National Courts Building, 717 Madison Place, N.W., Washington, DC. The location of the courtroom will be posted on the directory in the lobby.

/s/Lynn J. Bush  
LYNN J. BUSH  
Senior Judge